

## Guiding Principles

The *Adult Guardianship and Trusteeship Act* is built on four guiding principles:

- the adult is presumed to have capacity and able to make decisions until the contrary is determined;
- the ability to communicate verbally is not a determination of capacity, the adult is entitled to communicate by any means that enables them to be understood;
- focus on the autonomy of the adult with a less intrusive and less restrictive approach; and
- decision making that focuses on the best interests of the adult and how the adult would have made the decision if capable.



## For more information

Call the Office of the Public Guardian toll-free information line:

**1-877-427-4525**

Monday to Friday

8:15 a.m. – 4:30 p.m.

[www.seniors.alberta.ca/opg](http://www.seniors.alberta.ca/opg)

## Offices

The Office of the Public Guardian has offices across the province. They are open Monday to Friday from 8:15 a.m. to 4:30 p.m. To be connected toll-free, call 310-0000 first.

### Northwest Region

Grande Prairie: 780-833-4319

### Edmonton Region

Edmonton: 780-427-0017

### Central Region

Red Deer: 403-340-5165

### Northeast Region

St. Paul: 780-645-6278

### Calgary Region

Calgary: 403-297-3364

### South Region

Lethbridge: 403-381-5648

Medicine Hat: 403-529-3744



# Co-decision-making

## *Adult Guardianship and Trusteeship Act*

The *Adult Guardianship and Trusteeship Act* (AGTA) offers a variety of options to support adult Albertans who need assistance making personal and/or financial decisions.

One of the options is a co-decision-making order for adults who:

- cannot make personal decisions on their own but could make personal decisions with the guidance and support of another person; and
- have a close relationship with someone willing to provide decision-making support; and
- do not have a guardian or a personal directive.

## What is co-decision-making?

If an adult's ability to make personal decisions is significantly impaired but they can still make decisions with good support, a co-decision-making order may be an alternative to guardianship.

A co-decision-maker can assist in making decisions in one or more of the following areas of authority: health care, where and with whom the adult can live, who the adult may associate with, social activities, education or vocational training, employment, legal matters or any other personal matters the Court determines necessary. Co-decision-makers cannot make decisions on financial and property matters.

With co-decision-making, the adult and their co-decision-maker make decisions together. The decisions are made in the

best interests of the assisted adult. The adult must agree to the arrangement and to the person who is appointed as their co-decision-maker.

A co-decision-making order is appropriate for family and close friends.

A co-decision-maker can assist the adult in communicating or carrying out decisions, when necessary or appropriate. For example, when making a health care decision, both the adult and their co-decision-maker would sign the form providing consent for a procedure.

The Public Guardian cannot act as a co-decision-maker.

## How do I apply to become a co-decision-maker?

The application process for co-decision-making is similar to guardianship. The decision to grant a co-decision-making order is made by the Court. The Court can appoint more than one co-decision-maker. An application can be made for an individual up to twelve months before his or her 18th birthday.

The application package is available through the Office of the Public Guardian (see back panel for contact information).

The application package includes a number of forms, including a Capacity Assessment form.

The adult's capacity to make decisions is assessed by a physician, psychologist or other health care professional specifically trained to be a capacity assessor. The

Office of the Public Guardian can provide a list of qualified and trained capacity assessors.

Once completed, the adult and the co-decision-maker must agree to the application and submit the package to the Office of the Public Guardian. A representative from the Office of the Public Guardian meets with the adult to get their views on the application and notifies family members that an application has been made.

## What if the adult and the co-decision-maker do not agree?

The intent of co-decision-making is that the adult and their co-decision-maker work through decisions together. This can be rewarding and, at times, challenging.

If the adult and their co-decision-maker cannot reach an agreement on a decision, the adult's decision takes precedence.

At any time, the assisted adult or the co-decision-maker may end the co-decision-making agreement. The Office of the Public Guardian may follow-up to determine next steps—whether there is someone else who could act as co-decision-maker or whether another type of decision-making support is more appropriate for the adult.

For more information, please contact the Office of the Public Guardian.